

**GOVERNMENT OF INDIA
MINISTRY OF COMMERCE & INDUSTRY
DEPARTMENT FOR PROMOTION OF INDUSTRY AND INTERNAL TRADE
LOK SABHA**

**STARRED QUESTION NO. 310.
TO BE ANSWERED ON TUESDAY, THE 17TH DECEMBER, 2024.**

PATENT AND TRADEMARK APPLICATIONS

***310. SHRI SRIBHARAT MATHUKUMILLI:**

Will the Minister of **COMMERCE AND INDUSTRY** be pleased to state:

वाणिज्य एवं उद्योग मंत्री

- (a) the details of total number of applications received for obtaining patents and trademarks along with the approvals granted during the last two years;
- (b) the details of patent filings and grants received from resident applicants for start ups, MSMEs, higher education institutions, research institutes, and filings from non-resident or foreign entities, sector-wise; and
- (c) the details of legal enforceability of the patents granted and the measures in place to protect intellectual property rights effectively?

ANSWER

वाणिज्य एवं उद्योग मंत्री (श्री पीयूष गोयल)

**THE MINISTER OF COMMERCE & INDUSTRY
(SHRI PIYUSH GOYAL)**

(a) to (c): A statement is laid on the Table of the House

STATEMENT REFERRED TO IN REPLY TO LOK SABHA STARRED QUESTION NO. 310 FOR ANSWER ON 17TH DECEMBER, 2024

- (a): Details of patent and trademark applications filed and granted over the past two years are as under:

IP	2022-23		2023-24	
	Filed	Granted/ registered	Filed	Granted/ registered
Patents	82811	34134	92168	103057
Trade Marks	466580	231977	476089	279717

- (b): Details of the sector-wise breakdown of patent filings and grants in the last two years are placed at **Annexure A**.
- (c): The details of legal enforceability of the patents granted and the measures in place to protect intellectual property rights effectively are as under:

Legal enforceability of the patents

According to Section 11A of the Patents Act, 1970 (as amended), the patent owner enjoys the same privileges as if the patent were granted on the date of publication of the application. Therefore, patent owners can claim damages from the earlier of either the date of publication of the patent application or the date of infringement. However, a suit for infringement can only be filed after the patent has been granted.

Patent owners can seek remedies such as damages to compensate for financial losses and injunctions to prevent further infringement. These remedies can be pursued through civil litigation in the appropriate courts, which include High Courts and specialized Commercial Courts. The remedies may include: (a) damages to compensate for economic losses, including royalties and other financial harm caused by infringement; (b) Injunctions—either temporary, to restrain the infringer during legal proceedings, or permanent, to prohibit further infringing activities following a court's final decision. These remedies play a vital role in ensuring effective protection of intellectual property and deterring unauthorized use of patented inventions.

However, India's patent enforcement system strikes a perfect balance by protecting patent owners' rights while safeguarding against misuse of the legal process. Patent holders can seek remedies like damages and injunctions for infringement, while individuals facing groundless threats of infringement can also seek reliefs, such as, declarations, injunctions, and damages under Section 106 of the Patents Act, 1970 (as amended). This balanced approach ensures robust protection of patent rights while preventing unjust legal actions.

Recent Measures to Protect Intellectual Property Rights

1. The Commercial Courts Act, 2015 has significantly expedited the adjudication of Intellectual Property Rights (IPR) cases in India. With strict deadlines, summary judgments, and case management hearings, the Act has successfully streamlined the process, ensuring faster disposals and enhancing the efficiency of commercial courts. Further, High Courts have started establishing specialized Intellectual Property Divisions (IPDs) to streamline the handling of IP-related matters. As of now, three High Courts, Delhi High Court, Madras High Court and Calcutta High Court, have set up specialized IP divisions. The Commercial Courts system

coupled with the establishment of Intellectual Property Divisions (IPDs), has significantly enhanced the protection of IP rights in India.

2. The Government has undertaken a series of steps to strengthen India's IP regime. These include, *inter alia*,:

- National Intellectual Property Rights Policy to Foster a Dynamic, Vibrant, and Balanced IPR System
- Jan Vishwas Act to enhance the Ease of Living and Ease of Doing Business
- Amendments to IP Rules to Streamline Application Procedures, Eliminate Delays and Simplify the Grant/Registration Process
- Manpower Augmentation for Timely and Quality Public Service Delivery
- Modernization of IP Office and Implementation of Online Filing and Processing Systems
- Significant Fee Concessions for Startups, MSMEs, Educational Institutions and Natural persons
- Expansion of IP Education and Awareness Programs
- Expedited Patent Examination for Startups, MSMEs, Female Applicants, and Government Institutions/ Departments/ PSUs, Applicants Electing India as International Search Authority (ISA) for International Applications filed under Patent Cooperation Treaty(PCT) etc.
- SIPP Scheme to facilitate protection of Patents, Trademark and Designs of interested Startups, and Indian innovators/ creators and educational institutes using the services of the Technology and Innovation Support Centers (TISCs) established in India
- Robust Grievance Redressal Mechanism.

ANNEXURE-A

ANNEXURE REFERRED TO IN REPLY TO PART (b) OF THE LOK SABHA STARRED QUESTION 310 FOR ANSWER ON 16.12.2024.

RESIDENTS

Sector	MSME				STARTUP				EDUCATIONAL INSTITUTES*				NATURAL PERSON				OTHER THAN NATURAL PERSON*				TOTAL			
	2022-2023		2023-2024		2022-2023		2023-2024		2022-2023		2023-2024		2022-2023		2023-2024		2022-2023		2023-2024		2022-2023		2023-2024	
	Filing	Grant	Filing	Granted	Filing	Granted	Filing	Granted	Filing	Granted	Filing	Granted	Filing	Granted	Filing	Granted	Filing	Granted	Filing	Granted	Filing	Granted	Filing	Granted
Chemistry	310	90	406	152	151	48	185	108	1882	290	2581	763	2043	459	2129	728	1390	1161	1533	1735	5776	2048	6834	3486
Polymer	19	8	25	7	23	7	25	8	207	24	337	90	174	48	189	64	186	178	157	254	609	265	733	423
Computer & Electronics	210	53	278	119	405	116	561	135	5224	67	8553	370	5315	302	5404	627	1067	914	1746	2179	12221	1452	16542	3430
Communication	30	18	65	36	80	23	72	26	657	11	815	78	804	57	535	149	247	219	544	523	1818	328	2031	812
Electrical	161	36	159	64	226	50	259	111	892	76	1362	319	872	147	870	467	413	436	624	1319	2564	745	3274	2280
Physics	42	14	37	31	78	23	69	41	948	53	1247	190	652	92	626	272	230	246	311	785	1950	428	2290	1319
Bio-Medical	97	25	101	48	142	40	179	69	1932	40	2637	247	1419	196	1497	526	207	125	304	697	3797	426	4718	1587
Mechanical	218	102	255	248	309	93	471	196	5305	138	4823	818	2258	675	2011	2045	1634	1358	1565	5557	9724	2366	9125	8864
Other Fields	242	51	2095	89	602	53	725	53	2108	104	951	413	1062	392	1170	766	828	578	1086	1557	4842	1178	6027	2878
Total	1329	397	3421	794	2016	453	2546	747	19155	803	23306	3288	14599	2368	14431	5644	6202	5215	7870	14606	43301	9236	51574	25079

**There is no separate category for research institutions as they may file either under the category of Educational Institutions or Other than natural persons.*

NON-RESIDENT OR FOREIGN ENTITIES

Sector	2022-23	2023-24
Chemistry	5742	6199
Polymer	1330	1284
Computer & Electronics	7842	8535
Communication	7845	6655
Electrical	2605	3071
Physics	1486	1931
Bio-Medical	2113	2266
Mechanical	5816	6213
Other Fields	4731	4440
Total	39510	40594
